IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORBIT LICENSING LLC, Plaintiff, v. **THE MATHWORKS, INC.,** Defendant.	Civil Action No.: **TRIAL BY JURY DEMANDED**

COMPLAINT FOR INFRINGEMENT OF PATENT

Now comes, Plaintiff, Orbit Licensing LLC ("Plaintiff" or "Orbit"), by and through undersigned counsel, and respectfully alleges, states, and prays as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code ("U.S.C.") to prevent and enjoin Defendant The Mathworks, Inc. (hereinafter "Defendant"), from infringing and profiting, in an illegal and unauthorized manner, and without authorization and/or consent from Plaintiff from U.S. Patent No. 8,839,195 ("the '195 Patent"), which is attached hereto as Exhibit A and incorporated herein by reference, and from U.S. Patent No. 9,578,040 ("the '040 Patent") (collectively the "Patents-in-Suit"), which is attached hereto as Exhibit B and incorporated herein by reference, and pursuant to 35 U.S.C. §271, and to recover damages, attorney's fees, and costs.

THE PARTIES

2. Plaintiff is a Texas limited liability company with its principal place of business at 15922 Eldorado Parkway, Suite 500-1679, Frisco, Texas 75035.

3. Upon information and belief, Defendant is a corporation organized under the laws of Delaware, having a principal place of business in Natick, Massachusetts. Upon information and

belief, Defendant may be served with process c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

4. This is an action for patent infringement in violation of the Patent Act of the United States, 35 U.S.C. §§1 *et seq*.

5. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction and its residence in this District, as well as because of the injury to Plaintiff, and the cause of action Plaintiff has risen in this District, as alleged herein.

7. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this forum state and in this judicial District; and (iii) being incorporated in this District.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Defendant resides in this District under the Supreme Court's opinion in *TC Heartland v. Kraft Foods Group Brands LLC,* 137 S. Ct. 1514 (2017) through its incorporation, and regular and established place of business in this District.

FACTUAL ALLEGATIONS

The '195 Patent

9. On September 16, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '195 Patent, entitled "METHOD, SYSTEM AND TERMINAL FOR LOCATING" after a full and fair examination. The '195 Patent is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

10. During prosecution of the '195 Patent, the Applicant for the '195 Patent identified and distinguished the claims of the '195 patent from the prior art by indicating that the prior art "does not provide any teaching regarding the confirmation identifier input by the user, much less the feature of checking the script content before the confirmation identifier and acquiring and displaying attribute and method related to the indication object on a prompt box formed in the script editing interface for selection." *File Wrapper of the '195 Patent,* Response to Non-Final Office Action, dated March 19, 2014 at Page 3-4.

11. Subsequently during prosecution of the '195 Patent, the USPTO Patent Examiner indicated that "the prior art of record does not teach or fairly suggest at least:

> "...querying a server about available object in a current script usage scenario, as well as attribute and method of the available object; generating a script editing interface according to the queried available object in the current script usage scenario and the attribute and method of the available object, and displaying a script content input by an inputting device in the editing interface; acquiring confirmation identifier of the edited content, and checking whether or not the script content before the confirmation identifier is an indication object capable of automatically indicating; if so, acquiring, from the attribute and method of the available object, an attribute and method related to the indication object, and displaying the acquired attribute and method related to the indication object on a prompt box formed in the script editing interface for selection; and adding the attribute and method of the indication object selected from the prompt box after the indication object..." as best illustrated by FIG. 1, and in such a manner as recited in independent claims 1,10 and 15.

Therefore, claims 1 - 19 are in condition for allowance." *File Wrapper of the '195 Patent,* Notice of Allowance, dated June 30, 2014 at Page 2.

12. Plaintiff is presently the owner of the '195 Patent, having received all right, title and interest in and to the '195 Patent from the previous assignee of record. Plaintiff possesses all rights of recovery under the '195 Patent, including the exclusive right to recover for past infringement.

13. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287 with respect to the '195 Patent.

14. Claim 1 of the '195 Patent recites a non-abstract method for editing scripting language based on WEB.

15. Claim 1 of the '195 Patent provides the practical application of a method editing scripting language based on WEB.

16. Claim 1 of the '195 Patent provides an inventive step for editing scripting language based on WEB to address the deficiencies and needs identified in the Background section of the '195 Patent. See Ex. A, Col.1:19-31.

17. Claim 1 of the '195 Patent states:

> "1. A method for editing scripting language based on WEB,
> the method comprising:
> querying a server about available object in a current script usage scenario, as well as attribute and method of the available object;
> generating a script editing interface according to the queried available object in the current script usage scenario and the attribute and method of the available object, and displaying a script content input by an inputting device in the script editing interface;
> acquiring confirmation identifier of the edited script content, and checking whether or not the script content before the confirmation identifier is an indication object capable of automatically indicating; if so, acquiring, from the attribute and method of the available object, an attribute and method related to the indication

object, and displaying the acquired attribute and method related to the indication object on a prompt box formed in the script editing interface for selection; and

adding the attribute and method of the indication object selected from the prompt box after the indication object." Ex. A, Col.9:55-10:8.

18. As identified in the '195 Patent, prior art systems had technological faults. Ex. A, Col.1:19-31.

19. More particularly, the '195 Patent identifies that the prior art provided: "In a BMP system, an editing script with customized expression is widely used. The format of the customized expression is fixed with unitary expression, which is only capable of performing relatively simple logical operation, such as size comparison, etc., but cans not support functions and flow control." Ex. A, Col.1:26-31.

20. To address this specific technical problem, Claim 1 in the '195 Patent comprises a non-abstract method, a practical application or inventive step of technology that address the specific computer-centric problem that is enabled by a method for editing scripting language based on WEB.

21. The '195 Patent identifies that exemplary embodiments provide acquiring confirmation identifier of the edited content, and checking whether or not the script content before the confirmation identifier is an indication object capable of automatically indicating; if so, acquiring, from the attribute and method of the available object, an attribute and method related to the indication object, and displaying the acquired attribute and method related to the indication object on a prompt box formed in the script editing interface for selection; and if not, waiting for acquiring next confirmation identifier. Ex. A, Col.4:22-31. In some embodiments the confirmation identifier is a separation symbol between an object and an object attribute or method. If a script is a Python script, the confirmation identifier is a dot symbol. When the WEB client detects that confirmation identifier is input, step **13** is performed. Referring to FIG. 2, the attribute and method

of the object is displayed in an automatic prompt box **201** for selection by a user. Ex. A, Col. 4:32-39.

22. In one embodiment, the attribute and method querying module **11** is configured to query the memory module of the WEB server about an available object in a current script usage scenario, as well as attribute and method of the available object; the displaying module **10** is configured to generate a script editing interface according to the queried available object in the current script usage scenario and the attribute and method of the available object, and display a script content input by an inputting device in the editing interface; the attribute and method indicating module **12** is configured to check whether or not the script content before the confirmation identifier is an indication object capable of automatically indicating, after acquire confirmation identifier of the edited content; if so, acquire, from the attribute and method querying module **11**, an attribute and method of the object, and display the acquired attribute and method related to the indication object on a prompt box formed in the script editing interface for selection; and the attribute and method adding module **13** is configured to add the attribute and method of the indication object selected from the prompt box after the indication object. Ex. A, Col. 9:5-25.

23. The '195 Patent provides a robust solution to the previous computer-centric technological problems inasmuch as "in the currently related art that the scripting language can only perform relatively simple logical operations such as size comparison, etc., but cannot support functions and flow control." Ex. A., Col.35-40.

24. Claim 1 of the '195 Patent provides a specific solution, to deal with the specific technological problems of previous scripting languages that could only perform relatively simple logical operations such as size comparison, etc., but could not support functions and flow control.

25. The specific method steps of Claim 1, as combined, accomplish the desired result of increased script editing capabilities, which was a computer centric problem having no analog equivalent.

26. Specifically, to deal with computer-centric and technological problems of the prior art, the method of Claim 1 in the '195 patent requires (a) querying a server about available object in a current script usage scenario, as well as attribute and method of the available object; (b) generating a script editing interface according to the queried available object in the current script usage scenario and the attribute and method of the available object, and displaying a script content input by an inputting device in the script editing interface; (c) acquiring confirmation identifier of the edited script content, and checking whether or not the script content before the confirmation identifier is an indication object capable of automatically indicating; if so, acquiring, from the attribute and method of the available object, an attribute and method related to the indication object, and displaying the acquired attribute and method related to the indication object on a prompt box formed in the script editing interface for selection; and (d) adding the attribute and method of the indication object selected from the prompt box after the indication object. These specific elements, as combined, accomplish the desired result providing increase ability to edit computer-based scripts. Further, these specific elements also accomplish these desired results to overcome the then existing problems in the relevant field of computer script-editing systems. *Ancora Technologies, Inc. v. HTC America, Inc.*, 908 F.3d 1343, 1348 (Fed. Cir. 2018) (holding that improving computer security can be a non-abstract computer-functionality improvement if done by a specific technique that departs from earlier approaches to solve a specific computer problem). See also *Data Engine Techs. LLC v. Google LLC*, 906 F.3d 999 (Fed. Cir. 2018); *Core Wireless Licensing v. LG Elecs., Inc.*, 880 F.3d 1356 (Fed. Cir. 2018); *Finjan, Inc. v. Blue Coat*

Sys., Inc., 879 F.3d 1299 (Fed. Cir. 2018); *Uniloc USA, Inc. v. LG Electronics USA, Inc.*, 957 F.3d 1303 (Fed. Cir. April 30, 2020).

27. Claims need not articulate the advantages of the claimed combinations to be eligible. *Uniloc USA, Inc. v. LG Elecs. USA, Inc.*, 957 F.3d 1303, 1309 (Fed. Cir. 2020).

28. These specific elements of Claim 1 of the '195 Patent were an unconventional arrangement of elements because the prior art methodologies would simply use simple logical operations. By adding the specific elements of Claim 1, the '195 Patent was able to unconventionally generate a method for editing scripts. *Cellspin Soft, Inc. v. FitBit, Inc.*, 927 F.3d 1306 (Fed. Cir. 2019).

29. Further, regarding the specific non-conventional and non-generic arrangements of known, conventional pieces to overcome an existing problem, the method of Claim 1 in the '195 Patent provides a method of editing script language that would not preempt all ways of editing script language because Claim 1 is based on acquiring confirmation identifier of the edited script content, and checking whether or not the script content before the confirmation identifier is an indication object capable of automatically indicating; if so, acquiring, from the attribute and method of the available object, an attribute and method related to the indication object, and displaying the acquired attribute and method related to the indication object on a prompt box formed in the script editing interface for selection; and adding the attribute and method of the indication object selected from the prompt box after the indication object, any of which could be removed or performed differently to permit a method of editing script language in a different way. *Bascom Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016); See also *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014).

30. Based on the allegations, it must be accepted as true at this stage, that Claim 1 of the '195 Patent recites a specific, plausibly inventive way of editing script language in a specific manner as a practical application rather than the general idea of editing script languages. *Cellspin Soft, Inc. v. Fitbit, Inc.*, 927 F.3d 1306, 1319 (Fed. Cir. 2019), *cert. denied sub nom. Garmin USA, Inc. v. Cellspin Soft, Inc.*, 140 S. Ct. 907, 205 L. Ed. 2d 459 (2020).

31. Alternatively, there is at least a question of fact that must survive the pleading stage as to whether the specific elements of Claim 1 of the '195 Patent were an unconventional arrangement of elements. *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121 (Fed. Cir. 2018) See also *Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018), *cert. denied*, 140 S. Ct. 911, 205 L. Ed. 2d 454 (2020).

32. Defendant commercializes, inter alia, methods that perform all the steps recited in at least one claim of the '195 Patent. More particularly, Defendant commercializes, inter alia, methods that perform all the steps recited in Claim 1 of the '195 Patent. Specifically, Defendant makes, uses, sells, offers for sale, or imports a method that encompasses that which is covered by Claim 1 of the '195 Patent.

The '040 Patent

33. On February 21, 2017, the USPTO duly and legally issued the '040 Patent, entitled "PACKET RECEIVING METHOD, DEEP PACKET INSPECTION DEVICE AND SYSTEM" after a full and fair examination. The '040 Patent is attached hereto as Exhibit B and incorporated herein as if fully rewritten.

34. During prosecution of the '040 Patent, the Applicant for the '040 Patent identified and distinguished the claims of the '040 Patent from the prior art by indicating that the preset list provides the terminal domain name of each terminal device and a plurality of corresponding

accessible service server IP addresses under an access authority of the terminal device, so that after receiving a service request packet from the terminal device, resolving the domain name of a server carried in the service request packet, and obtaining IP addresses of the server, it can be determined whether the server is under access authority of the terminal device, by determining whether the IP address of the server resolved is in the preset list corresponding to the terminal's domain name. *File Wrapper of the '040 Patent,* Response to Non-Final Office Action, dated September 21, 2016.

35. Subsequently during prosecution of the '195 Patent, the USPTO Patent Examiner indicated that "For claims 1-11, the prior art fails to teach or render obvious a combination of: resolving the received server domain name to obtain a service server Internet protocol (IP) address; and discarding the service request packet if the resolved service server IP address does not belong to a preset service server IP address corresponding to the received terminal domain name in a preset list, wherein in the preset list the terminal domain name of each terminal device is correspondingly provided with a plurality of accessible service server IP addresses under an access authority of the terminal device." *File Wrapper of the '040 Patent,* Notice of Allowance, dated November 29, 2016 at Page 2-3.

36. Plaintiff is presently the owner of the '040 Patent, having received all right, title and interest in and to the '040 Patent from the previous assignee of record. Plaintiff possesses all rights of recovery under the '040 Patent, including the exclusive right to recover for past infringement.

37. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287 with respect to the '040 Patent.

38. Claim 1 of the '040 Patent recites a non-abstract packet receiving method.

39. Claim 1 of the '040 Patent provides the practical application of a packet receiving method.

40. Claim 1 of the '040 Patent provides an inventive step for packet receiving method to address the deficiencies and needs identified in the Background section of the '040 Patent. See Ex. B, Col.1:20-48.

41. Claim 1 of the '040 Patent states:

> "1. A packet receiving method, comprising:
>
> receiving a service request packet sent by a terminal device, wherein the service request packet carries a terminal domain name indicating the terminal device and a server domain name indicating a service server required by the service request packet sent by the terminal device;
>
> resolving the received server domain name to obtain a service server Internet protocol (IP) address; and
>
> discarding the service request packet if the resolved service server IP address does not belong to a preset service server IP address corresponding to the received terminal domain name in a preset list, wherein in the preset list the terminal domain name of each terminal device is correspondingly provided with a plurality of accessible service server IP addresses under an access authority of the terminal device." Ex. B, Col.10:36-52.

42. As identified in the '040 Patent, prior art systems had technological faults. Ex. B, Col.1:20-48.

43. More particularly, the '040 Patent identifies that the prior art provided that for a service server used by a user to access a website corresponds to an IP (Internet Protocol) address, the user can send a packet carrying a domain name and relevant information of the visiting website, generally, when a DPI (Deep Packet Inspection) device strategically matches the packet information. Ex. B, Col.1:20-32. A full URL (Uniform Resource Location) information containing a host field needs to be used, which is different from the packet processing principle of the existing service server. Ex. B, Col.1:32-34. Thus, bugs may occur in the DPI device detection. Ex. B, Col.1:35-36. For example, the service server merely inspects path information in the URL of the

packet, and does not inspect the host field, such that the service server can return access results according to the path information without determining whether the path information is consistent with the path provided by the host field, that is, without determining whether the user has altered the host field without authorization. Ex. B, Col.1:36-43. As a result, the user can successfully access the charged service through altering the packet without authorization, but the DPI device fails to identify whether the user terminal has altered the host field in the packet to achieve a purpose of fraudulent accessing a charged website for free. Ex. B, Col.1:43-48.

44. To address this specific technical problem, the '040 Patent comprises a non-abstract method packet receiving method, and a deep packet inspection device and system, which can improve the capability for identifying the packet of the deep packet inspection device, and prevent occurrence of bugs caused by insufficient identification. Ex. B, Col.1:52-56.

45. Specifically, to deal with this specific technical problem, the method of Claim 1 in the '040 patent requires (a) receiving a service request packet sent by a terminal device, wherein the service request packet carries a terminal domain name indicating the terminal device and a server domain name indicating a service server required by the service request packet sent by the terminal device; (b)resolving the received server domain name to obtain a service server Internet protocol (IP) address; (c) discarding the service request packet if the resolved service server IP address does not belong to a preset service server IP address corresponding to the received terminal domain name in a preset list, and (d) *in the preset list the terminal domain name of each terminal device is correspondingly provided with a plurality of accessible service server IP addresses under an access authority of the terminal device*. (Emphasis added) These specific elements, as combined, accomplish the desired result improving the capability for identifying the packet of the deep packet inspection device, and prevent occurrence of bugs caused by insufficient

identification. Further, these specific elements also accomplish these desired results to overcome the then existing problems in the relevant field of networked communication systems. *Ancora Technologies, Inc. v. HTC America, Inc.*, 908 F.3d 1343, 1348 (Fed. Cir. 2018) (holding that improving computer security can be a non-abstract computer-functionality improvement if done by a specific technique that departs from earlier approaches to solve a specific computer problem). See also *Data Engine Techs. LLC v. Google LLC*, 906 F.3d 999 (Fed. Cir. 2018); *Core Wireless Licensing v. LG Elecs., Inc.*, 880 F.3d 1356 (Fed. Cir. 2018); *Finjan, Inc. v. Blue Coat Sys., Inc.*, 879 F.3d 1299 (Fed. Cir. 2018); *Uniloc USA, Inc. v. LG Electronics USA, Inc.*, 957 F.3d 1303 (Fed. Cir. April 30, 2020).

46. Claims need not articulate the advantages of the claimed combinations to be eligible. *Uniloc USA, Inc. v. LG Elecs. USA, Inc.*, 957 F.3d 1303, 1309 (Fed. Cir. 2020).

47. These specific elements of Claim 1 of the ‘040 Patent were an unconventional arrangement of elements because the prior art methodologies would simply allow the user to successfully access the charged service through altering the packet without authorization, and the DPI device failed to identify whether the user terminal has altered the host field in the packet to achieve a purpose of fraudulent accessing a charged website for free. By adding the specific elements of Claim 1, namely that *the preset list the terminal domain name of each terminal device is correspondingly provided with a plurality of accessible service server IP addresses under an access authority of the terminal device*, the ‘040 Patent was able to unconventionally generate a method for receiving packet information in an improved manner. *Cellspin Soft, Inc. v. FitBit, Inc.*, 927 F.3d 1306 (Fed. Cir. 2019).

48. Further, regarding the specific non-conventional and non-generic arrangements of known, conventional pieces to overcome an existing problem, the method of Claim 1 in the ‘040

Patent provides a method of gaining access to network that would not preempt all ways of receiving packet information is based on the preset list in the terminal domain name of each terminal device being correspondingly provided with a plurality of accessible service server IP addresses under an access authority of the terminal device, any of which could be removed or performed differently to permit a method of gaining access to network in a different way. *Bascom Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016); See also *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014).

49. Based on the allegations, it must be accepted as true at this stage, that Claim 1 of the ‘040 Patent recites a specific, plausibly inventive way of receiving packet information using specific protocols rather than the general idea of packet reception. *Cellspin Soft, Inc. v. Fitbit, Inc.*, 927 F.3d 1306, 1319 (Fed. Cir. 2019), *cert. denied sub nom. Garmin USA, Inc. v. Cellspin Soft, Inc.*, 140 S. Ct. 907, 205 L. Ed. 2d 459 (2020).

50. Alternatively, there is at least a question of fact that must survive the pleading stage as to whether the specific elements of Claim 1 of the ‘040 Patent were an unconventional arrangement of elements. *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121 (Fed. Cir. 2018) See also *Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018), *cert. denied*, 140 S. Ct. 911, 205 L. Ed. 2d 454 (2020).

51. Defendant commercializes, inter alia, methods that perform all the steps recited in at least one claim of the ‘040 Patent. More particularly, Defendant commercializes, inter alia, methods that perform all the steps recited in Claim 1 of the ‘040 Patent. Specifically, Defendant makes, uses, sells, offers for sale, or imports a method that encompasses that which is covered by Claim 1 of the ‘040 Patent.

DEFENDANT'S PRODUCTS

The MATLAB Accused Product v. the '195 Patent

52. Defendant offers solutions, such as the "MATLAB Online" system (the "MATLAB Online Accused Product")[1], that enables a method for editing scripting language based on WEB. A non-limiting and exemplary claim chart comparing the MATLAB Online Accused Product of Claim 1 of the '195 Patent is attached hereto as Exhibit C and is incorporated herein as if fully rewritten.

53. As recited in Claim 1 of the '195 Patent, a system, at least in internal testing and usage, utilized by the MATLAB Online Accused Product practices a method for editing scripting language (e.g., programming languages, like MATLAB and Simulink) based on WEB (e.g., web browser). See Ex. C.

54. As recited in one step of Claim 1 of the '195 Patent, the system, at least in internal testing and usage, utilized by the MATLAB Online Accused Product practices querying a server (e.g., Mathwork's MATLAB Server) about available object in a current script (e.g., user's code/ script) usage scenario, as well as attribute and method of the available object. Upon information and belief, the Mathwork's MATLAB online support provided in the accused product, queries the server about available objects in the user code/ script by providing contextual hints for function arguments, file names, and more, according to the identified object, along with the attributes and methods of the object. See Ex. C.

[1] The MATLAB Online Accused Product is just one of the products provided by Defendant, and Plaintiff's investigation is on-going to additional products to be included as an Accused Product that may be added at a later date.

55. As shown in Exhibit C, the MATLAB Online Accused Product's support provides tailored suggestion to user in the form of interactive tools to explore figures and tables in the output. Then get automatically generated code to reproduce user' changes. See Ex. C.

56. The MATLAB Online Accused Product provides attributes and methods (e.g., suggestions in the form of contextual hints for function arguments, file names, and more related to the object) of the object (e.g., function arguments, file names, and more). See Ex. C.

57. As recited in another step of Claim 1 of the '195 Patent, the system, at least in internal testing and usage, utilized by the MATLAB Online Accused Product practices generating a script editing interface (e.g., Mathwork's MATLAB online command line interface) according to the queried available object (e.g., function arguments, file names, and more) in the current script (e.g., user's code/ script) usage scenario and the attribute and method (e.g., suggestions in the form of contextual hints for function arguments, file names, and more related to the object) of the available object (e.g., function arguments, file names, and more), and displaying a script content input by an inputting device in the script editing interface (e.g., Mathwork's MATLAB online command line interface). See Ex. C.

58. As recited in another step of Claim 1 of the '195 Patent, the system, at least in internal testing and usage, utilized by the MATLAB Online Accused Product practices acquiring confirmation identifier (e.g., Tab key (tab completion)) of the edited script content (e.g., user's code/ script of Mathwork's MATLAB online command line interface), and checking whether or not the script content before (e.g., code/ script before Tab key (tab completion)) the confirmation identifier (e.g., Tab key (tab completion)) is an indication object (e.g., function arguments, file names, and more) capable of automatically indicating; if so, acquiring, from the attribute and method (e.g., suggestions in the form of contextual hints for function arguments, file names, and

more related to the object identified in the code/ script of user) of the available object (e.g., function arguments, file names, and more), an attribute and method (e.g., suggestions in the form of contextual hints for function arguments, file names, and more related to the object identified in the code/ script of user) related to the indication object (e.g., function arguments, file names, and more), and displaying the acquired attribute and method related to the indication object on a prompt box (e.g., Contextual hint and interactive tools to explore figures and tables in the output through a dropdown list) formed in the script editing interface (e.g., Mathwork's MATLAB online command line interface) for selection. See Ex. C.

59. As recited in another step of Claim 1 of the '195 Patent, the system, at least in internal testing and usage, utilized by the MATLAB Online Accused Product practices adding the attribute and method (e.g., suggestions in the form of contextual hints for function arguments, file names, and more related to the object identified in the code/ script of user) of the indication object (e.g., function arguments, file names, and more) selected from the prompt box (e.g., Contextual hint and interactive tools to explore figures and tables in the output through a dropdown list) after the indication object (e.g., function arguments, file names, and more). See Ex. C.

60. The elements described in the preceding paragraphs are covered by at least Claim 1 of the '195 Patent. Thus, Defendant's use of the MATLAB Online Accused Product is enabled by the method described in the '195 Patent.

<u>The Mathworks SPF Accused Product v. the '040 Patent</u>

61. Defendant offers solutions, such as the "Mathworks Sender Policy Framework (SPF)" system (the "Mathworks SPF Accused Product")[2], that enables a packet receiving method. A non-limiting and exemplary claim chart comparing the Mathworks SPF Accused Product of

[2] The Matlab SPF Accused Product is just one of the products provided by Defendant, and Plaintiff's investigation is on-going to additional products to be included as an Accused Product that may be added at a later date.

Claim 1 of the '040 Patent is attached hereto as Exhibit D and is incorporated herein as if fully rewritten.

62. As recited in Claim 1 of the '040 Patent, a system, at least in internal testing and usage, utilized by the Mathworks SPF Accused Product practices a packet receiving method (e.g., Sender Policy Framework (SPF) protocol). See Ex. D.

63. As recited in one step of Claim 1 of the '040 Patent, the system, at least in internal testing and usage, utilized by the Mathworks SPF Accused Product practices receiving a service request packet sent by a terminal device (e.g., MTAs), wherein the service request packet carries a terminal domain name indicating the terminal device (e.g., domain names in the "MAIL FROM" or "HELO" identities) and a server domain name indicating a service server required by the service request packet sent by the terminal device (e.g., domain verification DNS hosting). See Ex. D.

64. As recited in another step of Claim 1 of the '040 Patent, the system, at least in internal testing and usage, utilized by the Mathworks SPF Accused Product practices resolving the received server domain name to obtain a service server Internet protocol (IP) address (e.g., domain name is resolved to IP address). See Ex. D.

65. As recited in another step of Claim 1 of the '040 Patent, the system, at least in internal testing and usage, utilized by the Mathworks SPF Accused Product practices discarding the service request packet if the resolved service server IP address does not belong to a preset service server IP address corresponding to the received terminal domain name in a preset list (e.g., publishing authorization), wherein in the preset list the terminal domain name of each terminal device is correspondingly provided with a plurality of accessible service server IP addresses under an access authority of the terminal device. See Ex. D.

66. The elements described in the preceding paragraphs are covered by at least Claim 1 of the ‘040 Patent. Thus, Defendant’s use of the Mathworks SPF Accused Product is enabled by the method described in the ‘040 Patent.

COUNT 1: INFRINGEMENT OF THE ‘195 PATENT

67. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs

68. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing, either literally or under the doctrine of equivalents, the ‘195 Patent.

69. Defendant has had knowledge of infringement of the ‘195 Patent at least as of the service of the present Complaint.

70. **Direct Infringement.** Defendant has directly infringed and continues to directly infringe at least one claim, particularly Claim 1, of the ‘195 Patent by making, using, at least through internal testing or otherwise, offering to sell, selling and/or importing, without limitation, the MATLAB Online Accused Product without authority in the United States, and will continue to do so unless enjoined by this Court. As a direct and proximate result of Defendant’s direct infringement of the ‘195 Patent, Plaintiff has been and continues to be damaged.

71. **Induced Infringement.** Defendant has induced others to infringe Claim 1 of the ‘195 Patent by encouraging infringement, knowing that the acts Defendant induced constituted patent infringement, and its encouraging acts actually resulted in direct patent infringement either literally or under the doctrine of equivalents.

72. **Contributory Infringement**. Defendant actively, knowingly, and intentionally has been and continues materially contribute to their own customers’ infringement of Claim 1 of the ‘195 Patent, literally or by the doctrine of equivalents, by selling the MATLAB Online Accused

Product to their customers for use in end-user products in a manner that infringes one or more claims of the '195 Patent. Moreover, the MATLAB Online Accused Product is not a staple article of commerce suitable for substantial non-infringing use.

73. By engaging in the conduct described herein, Defendant has injured Plaintiff and is thus liable for infringement of the '195 Patent, pursuant to 35 U.S.C. § 271.

74. Defendant has committed these acts of infringement without license or authorization.

75. As a result of Defendant's infringement of the '195 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

76. Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement.

COUNT 2: INFRINGEMENT OF THE '040 PATENT

77. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs

78. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing, either literally or under the doctrine of equivalents, the '040 Patent.

79. Defendant has had knowledge of infringement of the '040 Patent at least as of the service of the present Complaint.

80. **Direct Infringement.** Defendant has directly infringed and continues to directly infringe at least one claim, particularly Claim 1, of the '040 Patent by making, using, at least

through internal testing or otherwise, offering to sell, selling and/or importing, without limitation, the Mathworks SPF Accused Product without authority in the United States, and will continue to do so unless enjoined by this Court. As a direct and proximate result of Defendant's direct infringement of the '040 Patent, Plaintiff has been and continues to be damaged.

81. **Induced Infringement.** Defendant has induced others to infringe Claim 1 of the '040 Patent by encouraging infringement, knowing that the acts Defendant induced constituted patent infringement, and its encouraging acts actually resulted in direct patent infringement either literally or under the doctrine of equivalents.

82. **Contributory Infringement**. Defendant actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of Claim 1 of the '040 Patent, literally or by the doctrine of equivalents, by selling the Mathworks SPF Accused Product to their customers for use in end-user products in a manner that infringes one or more claims of the '040 Patent. Moreover, the Accused Product is not a staple article of commerce suitable for substantial non-infringing use.

83. By engaging in the conduct described herein, Defendant has injured Plaintiff and is thus liable for infringement of the '040 Patent, pursuant to 35 U.S.C. § 271.

84. Defendant has committed these acts of infringement without license or authorization.

85. As a result of Defendant's infringement of the '040 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

86. Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any

continuing and/or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement.

87. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention or claim construction purposes by the claim charts that it provides with this Complaint. The claim chart depicted in Exhibit B is intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure and does not represent Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

DEMAND FOR JURY TRIAL

88. Plaintiff demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

a. That Defendant be adjudged to have directly infringed the Patents-in-Suit either literally or under the doctrine of equivalents;

b. An accounting of all infringing sales and damages including, but not limited to, those sales and damages not presented at trial;

c. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the Patents-in-Suit;

d. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Plaintiff for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;

e. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;

f. That Defendant be directed to pay enhanced damages, including Plaintiff's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and

g. That Plaintiff be granted such other and further relief as this Court may deem just and proper.

Dated: July 28, 2021

Respectfully submitted,

CHONG LAW FIRM PA

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